THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5357 of 2007

Date: 16.03.2007

Between:

K.Sanyasi Rao.

....Petitioner

And

Sub-Registrar.

....Respondent.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5357 of 2007

O R D E R:

Petitioner states that he is the owner and possessor of land admeasuring 237 square yards in Survey No.3/1 of Chimalapalli Village, Pendurthi Mandal, Visakhapatnam District. It is stated that he intended to gift the same to his two daughters and in that process, approached the respondent to know the details of the basic register value, stamp duty and registration fee. The grievance of the petitioner is that the respondent is not entertaining any registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the

provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]***.***

Once the sole basis for the respondent to refuse registration had disappeared, he cannot refuse to take steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioner approaches him.

Hence, the Writ Petition is disposed of, directing the respondent to furnish the necessary information and process the document that may be presented by the petitioner; and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 16.03.2007
Note: Issue C.C. in one week.
(B/o)
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77